

## **REMARKS**

Entry of this Request for Continued Examination (RCE), Amendment, drawings and response is respectfully requested. Independent claims 1 and 11 are currently amended. Claims 7, 13 and 20 are cancelled. New claims 21-23 have been added.

### **Amendment to the Drawings**

The drawings which were submitted to the U. S. Patent Office on January 18, 2005 were objected to by the Examiner. Sheet 4 had the " /4" shown and should have been "4/4". Therefore, sheet 4 has been corrected to show 4/4. No other changes have been made to the drawings. A new set of figures is included with this amendment. Entry of the amended drawing sheet is respectfully requested.

### **Claim Rejections Under 35 U.S.C. § 102**

Claims 1, 3-7, 9 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,711,872 to Lampke. As discussed with the Examiner in a telephone interview on June 28, 2005, claim 1 has been amended to comprise, among other things, "a rod extending between the base and the clamp to support the medical element above the bed; wherein the rod is pivotally connected to the base for pivotal movement about multiple axes relative to the base." This pivotal connection is achieved with the hook and eye joint as shown in the figures and discussed on page 3, lines 25-29 or a ball joint discussed on page 3, lines 28-29. Such a multiple axes pivotal connection between the base and the rod is not disclosed in the prior art. It is unclear whether the Examiner considers the curved arm 38 of Lampke as part of the rod or part of the base. Assuming that the arm 38 is part of the base 24, if the Lampke nut 46 is not tightened on the bolt 42, the rod 48 may pivot about its longitudinal axes, but such a loose connection between the rod 48 and arm 38 is not disclosed in Lampke. However, even such a

loose connection does not allow pivoting between the rod and base about multiple axes, as required by claim 1. On the other hand, if the arm 38 of Lampke is part of the rod, the screw 34 and body 24 prevent any relative pivotal movement between the arm 38 and the base. If the arm 38 is considered to simply be a connector between the rod 48 and the base 24, the only pivotal movement is about a horizontal axis as the rod 48 swings up and down due to the spring nature of the arm 38.

Therefore, claim 1 distinguishes over Lampke and allowance of amended claim 1 is respectfully requested.

Claims 2-6 depend from amended claim 1 and are allowable as depending from an allowable claim. Claim 7 has been cancelled. Claims 8-10 depend from amended claim 1 and are allowable as depending from an allowable claim.

#### **Examiner's Rejections Under 35 U.S.C. § 103(a)**

Claims 11-14, 16 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lampke in view of U.S. Patent 5,489,075 to Ible.

As discussed with the Examiner in a telephone interview on June 28, 2005, claim 11 has been amended to require among other things, "a base slidably mountable to a bed with a tab which slides within a slot" and "a rod having a first end connected to the base and a second end connected to the claim, wherein the rod is connected to the base by a hook and eye." The slideable limitation of claim 11 derives from cancelled claim 13. The hook limitation of claim 11 derives from cancelled claim 20. Neither the Lampke nor the Ible references disclose a base slidably mountable to a bed with a tab which slides within a slot. Rather, the base in the Lampke reference holds to the bed with a screw-type fitting and the Ible reference is mountable to a bed with an articulated-biased clamp. Thus, neither reference discloses a base slidably mountable to

a bed with a tab which slides within a slot. Furthermore, neither reference discloses a rod having a first end connected to the base and a second end connected to the clamp, wherein the rod is connected to the base by a hook and eye. The Lampke reference uses a screw to hold the rod to the base, and the Ible reference uses a captured shaft with ribs to hold the rod to the base. Therefore, amended claim 11 is not disclosed by either of the cited references, such that allowance of amended claim 11 is respectfully requested.

Claim 12 depends from amended claim 11 and is believed to be allowable as depending from an allowable claim. Claim 13 has been cancelled. Claims 14-19 depend from amended claim 11 and are believed to be allowable as depending from an allowable claim. Claim 20 has been cancelled.

### **New Claims**

New claims 21-23 have been added. Applicant believes that these new claims differentiate over the cited references. Independent claim 21 requires a universal pivotal connection between the rod and the base. As discussed above with respect to claim 1, Lampke does not have such a universal pivotal connection between the rod 48 and the base 24. Therefore, claim 21 and depending claims 22-23 are allowable.

### **Conclusion**

Applicant believes that all claims are now in proper form for allowance. Notice of Allowance is respectfully requested for all pending claims.

The amended figure sheets have been submitted to overcome Examiner's objection. Entry of new Figures is respectfully requested.

This is being filed with a Request for Continued Examination (RCE) and a request to extend the period for filing a response in the above-identified application for one month from

August 17, 2005 to September 17, 2005. Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$395.00 for the RCE and \$60.00 to cover the cost of the one month extension per transmittals also attached. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



BART A. FISHER, Reg. No. 55,181  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
**CUSTOMER NO: 22885**  
Attorneys of Record

- bja -